

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS15277-MT-106A

Short Title: School-Based Mental Health. (Public)

Sponsors: Senators D. Davis, Krawiec, and Ballard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PUBLIC SCHOOL UNITS TO DEVELOP AND IMPLEMENT A
3 SCHOOL-BASED MENTAL HEALTH PLAN THAT INCLUDES A MENTAL HEALTH
4 TRAINING PROGRAM AND SUICIDE RISK REFERRAL PROTOCOL.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The title of Article 25A of Chapter 115C of the General Statutes
7 reads as rewritten:

8 "Article 25A.

9 "Special Medical and Mental Health Needs of Students."

10 **SECTION 1.(b)** Article 25A of Chapter 115C of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 115C-375.11. School-based mental health plan required.**

13 (a) Definitions. – The following definitions shall apply in this section:

14 (1) Public school unit. – A local school administrative unit, a charter school, a
15 regional school, an innovative school, or a laboratory school.

16 (2) School personnel. – Teachers, instructional support personnel, principals, and
17 assistant principals. This term may also include, in the discretion of the public
18 school unit, other school employees who work directly with students in grades
19 kindergarten through 12.

20 (b) School-Based Mental Health Policy. – The State Board of Education shall adopt a
21 school-based mental health policy that includes (i) minimum requirements for a school-based
22 mental health plan for public school units and (ii) a model mental health training program and
23 model suicide risk referral protocol for public school units. Consistent with this section, the
24 model mental health training program and model suicide risk referral protocol shall meet all of
25 the following requirements:

26 (1) The model mental health training program shall be provided to school
27 personnel who work with students in grades kindergarten through 12 and
28 address the following topics:

29 a. Youth mental health.

30 b. Suicide prevention.

31 c. Substance abuse.

32 d. Sexual abuse prevention.

33 e. Sex trafficking prevention.

34 (2) The model suicide risk referral protocol shall be provided to school personnel
35 who work with students in grades six through 12 and provide both of the
36 following:



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- 1 a. Guidelines on the identification of students at risk of suicide.
2 b. Procedures and referral sources that address actions that should be
3 taken to address students identified in accordance with this
4 subdivision.
- 5 (c) School-Based Mental Health Plan. – Each public school unit shall adopt a plan for
6 promoting student mental health and well-being that includes, at a minimum, the following:
7 (1) Minimum requirements for a school-based mental health plan established by
8 the State Board of Education pursuant to subsection (b) of this section.
9 (2) A mental health training program and a suicide risk referral protocol that are
10 consistent with the model programs developed by the State Board of
11 Education pursuant to subsection (b) of this section.
- 12 (d) Training and Protocol Requirements. – Each public school unit shall provide its
13 adopted mental health training program and suicide risk referral protocol to school personnel at
14 no cost to the employee. Employees shall receive an initial mental health training of at least six
15 hours and subsequent mental health trainings of at least two hours. The initial mental health
16 training shall occur within the first six months of employment. Subsequent mental health
17 trainings shall occur in the following school year and annually thereafter. In the discretion of the
18 public school unit, the initial mental health training may be waived in the event the employee
19 completed an initial mental health training at another public school unit. School personnel may
20 meet mental health training requirements in any of the following ways:
21 (1) Electronic delivery of instruction.
22 (2) Videoconferencing.
23 (3) Group, in-person training.
24 (4) Self-study.
- 25 (e) Review and Update. – Beginning August 1, 2025, and every five years thereafter, the
26 Superintendent of Public Instruction shall review the State Board of Education's minimum
27 requirements for a school-based mental health plan, model mental health training program, and
28 model suicide risk referral protocol and recommend any needed changes to the State Board of
29 Education. The State Board shall update its policies to reflect those recommendations and publish
30 the updates to public school units. A public school unit shall update its adopted school-based
31 mental health plan in accordance with any updates provided by the State Board.
- 32 (f) Reporting; State Audit. – By September 15 of each year, each public school unit shall
33 report to the Department of Public Instruction on (i) the content of the school-based mental health
34 plan adopted in the unit, including the mental health training program and suicide risk referral
35 protocol, and (ii) prior school year compliance with requirements of this section. The Department
36 of Public Instruction may also audit public school units at appropriate times to ensure compliance
37 with the requirements of this section. The Department shall report the information it receives
38 pursuant to this subsection to the Joint Legislative Education Oversight Committee and the Joint
39 Legislative Oversight Committee on Health and Human Services by December 15 of each year.
- 40 (g) No Duty. – Nothing in this section shall be construed to impose an additional duty on
41 a public school unit to provide referral, treatment, follow-up, or other mental health and suicide
42 prevention services to students of the public school unit.
- 43 (h) Limitation of Civil Liability. – No governing body of a public school unit, nor its
44 members, employees, designees, agents, or volunteers, shall be liable in civil damages to any
45 party for any loss or damage caused by any act or omission relating to the provision of,
46 participation in, or implementation of any component of a school-based mental health plan,
47 mental health training program, or suicide risk referral protocol required by this section, unless
48 that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.
49 Nothing in this section shall be construed to impose any specific duty of care or standard of care
50 on a public school unit."

51 **SECTION 1.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

1 "(g) A charter school shall adopt a school-based mental health plan, including a mental
2 health training program and suicide risk referral protocol, in accordance with G.S. 115C-375.11."

3 **SECTION 1.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

4 "(14) School-based mental health plan required. – A regional school shall adopt a
5 school-based mental health plan, including a mental health training program
6 and suicide risk referral protocol, in accordance with G.S. 115C-375.11."

7 **SECTION 1.(e)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

8 "(17) School-based mental health plan required. – A laboratory school shall adopt a
9 school-based mental health plan, including a mental health training program
10 and suicide risk referral protocol, in accordance with G.S. 115C-375.11."

11 **SECTION 1.(f)** G.S. 115C-75.9 is amended by adding a new subsection to read:

12 "(n) School-Based Mental Health Plan Required. – An innovative school shall adopt a
13 school-based mental health plan, including a mental health training program and suicide risk
14 referral protocol, in accordance with G.S. 115C-375.11."

15 **SECTION 2.** The State Board of Education shall adopt a school-based mental health
16 policy, including a model mental health training program and model suicide risk referral protocol,
17 in accordance with this act no later than December 1, 2019. The school-based mental health
18 policy shall effectuate the recommendations of the May 31, 2018, report of the Superintendent's
19 Working Group on Student Health and Well-Being pursuant to Section 4 of S.L. 2017-57 to the
20 extent those recommendations are consistent with this act and current State law. The model
21 mental health training program and model suicide risk referral protocol incorporated in that
22 policy shall meet the requirements developed by the Superintendent's Working Group on Health
23 and Well Being in its October 15, 2018, report pursuant to Section 5 of S.L. 2018-32. The
24 Superintendent of Public Instruction shall ensure that a copy of the school-based mental health
25 policy adopted by the State Board in accordance with this act is made available to each public
26 school unit by December 31, 2019. Each public school unit shall adopt a school-based mental
27 health plan that incorporates the State Board policy, including a mental health training program
28 and suicide risk referral protocol, no later than July 1, 2020.

29 **SECTION 3.** This act is effective when it becomes law. Notwithstanding
30 G.S. 115C-375.11(d), as enacted by this act, school personnel required to complete the training
31 and employed in a public school unit as of the effective date of this act shall complete their initial
32 mental health training by the end of the 2020-2021 school year.